REMARKS

This Response is to the Final Office Action dated February 20, 2009. Claims 18, 30 to 33 and 41 to 43 have been amended for clarity. No new matter has been added by these amendments. Please charge Deposit Account No. 02-1818 for any fees owed in connection with this Response.

As an initial matter, Applicants respectfully submit that claims 18, 30 to 33 and 41 to 43 have been amended herein to clarify that the time-out output is generated by software installed on a wireless remote device. Applicants submit that these amendments were not made to overcome any art of record or to disclaim any subject matter regarding same. Further, Applicants respectfully submit that these amendments do not require further search and/or consideration and accordingly should be entered at this Final Office Action stage.

In the Office Action, Claims 1 to 58 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,406,426 to Reuss et al. ("*Reuss*") in view of U.S. Patent No. 6,641,533 to Causey III et al. ("*Causey*"). Applicants respectfully traverse this rejection for at least the following reasons.

Amended independent claim 1 is directed to a system for reporting on the integrity of a wireless communication link within a healthcare facility, including, in part, a module associated with a medication treatment application device, the module having a status information output responsive to a signal output generated by the medication treatment application device, a wireless remote device within the healthcare facility having a message indicator responsive to the status information output transmitted over the wireless communication link and representative of the signal generated by the medication treatment application device, *software installed on the wireless remote device having a time-out output, and, wherein the time-out output indicates loss of the wireless communication link.* (emphasis added.)

Page 3 of the Office Action admitted that *Reuss* does not disclose software installed on a wireless remote device having a time-out output, wherein the time-out output indicates loss of the wireless communication link, relying on *Causey* for such a teaching.

Applicants respectfully submit that *Causey* also does not disclose or suggest such a feature. As discussed in the Response to Office Action of October 10, 2008, the remote RF programmer 1012 of *Causey*, taken as the remote wireless device of claim 1, does <u>not</u> include any software having a time-out output, wherein the time-out output indicates loss of the wireless

communication link, as required by claim 1. Specifically, column 11, line 65 to column 12, line 4 of *Causey* states, "[o]nce the receiver recognizes that there is a valid RF programmer 1012 sending a message to the external infusion device 1010 (i.e., with this device 1010's unique code), the receiver will remain in an active mode until a complete sequence of commands has been received, or until the receiver times out due to a lack of RF communications form the RF programmer 1012." This passage of *Causey* clearly describes that the RF receiver includes a time-out feature. Applicants respectfully submit that the RF receiver in *Causey* is not a wireless remote device, as required by claim 1.

Further, Applicants respectfully submit that the RF receiver of *Causey* does not disclose that the time-out feature is tied to a loss of a wireless communication link. Instead, *Causey* discloses that the receiver will, "remain in an active mode until a complete sequence of commands has been received, or until the receiver times out due to a lack of RF communications from the RF programmer." *Id.* *Causey* here does not teach that the receiver is timing out due to the loss of a wireless communication link; rather, *Causey* states that the receiver times out due to lack of communication from the RF programmer, but the time-out is while the communication link is maintained.

The Response to Amendments/Arguments section on page 9 of the Office Action states:

> In response to Applicant's arguments, the Examiner respectfully disagrees the inaction on the part of the combined art's teaching regarding a time-out ouput [sic] remote from the medication treatment application device and polling/monitoring the communication link to actively test its integrity and generating the time-out output. Causey et al. discloses a time-out output device (i. e. PDA) to remotely link to the communication for the evaluation, analysis, calibration ('533; Col. 14, lines 45-67; col 16, liens 3-27). Therefore, given the broadest reasonable interpretation to one of ordinary skill in the art, it is submit [sic] that a time-out output device in the combined art's teachings is as in a form of a time-out output remote from the medication treatment application device and polling/monitoring the communication link to actively test its integrity.

Additionally, page 3 of the Office Action states:

> Causey II et al. further discloses the application of various software installed on the wireless remote device ('533; Col. 2, lines 50-55 remote programmer considered as PDA; Col. 18, lines 19-37; display of various icons representative of different programs considered as software installed in wireless remote device) having a time-out output

The Office Action appears to be interpreting the PDA disclosed in *Causey* as the wireless remote device having software with a time-out output, wherein the time-out output indicates loss of a wireless communication link of the present claims. However, column 18, lines 19 to 37 of *Causey*, (cited to in the above block quoted paragraph from the Office Action) state:

> FIGS. 2 and 3 are views of a PDA 10 with a medical device module 200 in accordance with an embodiment of the present invention. The PDA 10 includes a display 102 mounted in a case 104. The case includes a plurality of physical keys 106 and 108 to activate and control various features on the PDA 10. The display 102 of the PDA 10 is a touch screen LCD that allows the display of various icons 110 representative of different programs available on the PDA 10. The icons 110 on the display 102 may be activated by finger pressure or the touch of a stylus 112. The display 102 may also be used to show graphs, tabular data, animation, or the like. The display 102 also includes a region with hard icons 114 that represent regular program activating features and a writing area 116 for entering data using the stylus 112. Preferred embodiments of the PDA 10 are adapted for use of the Palm computing software and standards developed by 3 Com. However, alternative embodiments may use computing software and standards produced by other companies.

Applicants respectfully submit that nowhere does the above paragraph of *Causey* disclose, or even suggest, that the PDA 10 includes software with a time-out output, wherein the time-out output indicates loss of a wireless communication link as required by claim 1. Further, if the Office Action is implying that it would have been obvious to include the time-out output from the RF receiver of *Causey* in the PDA, Applicants respectfully submit that this reasoning is improper. The RF receiver is <u>not</u> a wireless remote device. Thus, Applicants respectfully submit that *Causey* does not suggest that the time-out feature would be included on the remote PDA device. Further, Applicants can find no teaching or suggestion in the remaining disclosure of *Causey* that the PDA includes software with a time-output, wherein the time-out output indicates loss of a wireless communication link and respectfully submit that it would not have been obvious to modify the PDA of *Causey* with such software without reasonably being construed as impermissibly hindsight reconstruction of the claimed invention.

For at least these reasons, Applicants respectfully submit that independent claim 1, and dependent claims 2 to 17 are patentably distinguished over *Reuss* and *Causey* and in condition for allowance.

Independent claims 18, 33 and 44 as presently presented include similar elements to claim 1. In particular, claim 18 as presently presented is directed to a method for reporting on

integrity of a wireless communication link within a healthcare facility including, in part, installing software on a wireless remote device that generates a time-out output when the wireless communication link is lost. Claim 33 as presently presented is directed to a method for reporting on integrity of a wireless communication link within a healthcare facility including, in part, installing software on a wireless remote device for generating a time-out output by polling or monitoring the communication link to actively test its integrity, and generating the time-out output when the wireless communication link is lost. Claim 44 is directed to a system for reporting on integrity of a wireless communication link within a healthcare facility including, in part, software installed on the wireless remote device having a time-out output, and wherein the time-out output indicates loss of the wireless remote device to receive the status information transmitted over the wireless communication link

Accordingly, for at least the reasons give above with respect to independent claim 1, Applicants respectfully submit that independent claims 18, 33 and 44, and dependent claims 19 to 32, 34 to 43, and 45 to 58 are patentably distinguished over *Reuss* and *Causey*.

In addition, Applicants respectfully submit that numerous dependent claims are also patentably distinguished over *Reuss* and *Causey*. For example, claim 16 includes, in part, "wherein an icon responsive to the time-out output is provided on the visual display." Claim 17, includes, in part, "wherein a pop-up window is provided on the visual display in response to the time-out output." Page 8 of the Office Action states:

> With respect to Claim 16 . . . Causey et al disclose further wherein an icon responsive to the time-out output is provided on the visual display ('533; Fig. 22: time output).
>
> . . .
>
> With respect to Claim 17, . . . Causey, III. et al. discloses further wherein a pop-up window is provided on the visual display in response to the time out ('533, Figs. 22 & 24 pop-up window showing time).

Figs. 22 and 24 are reproduced below.
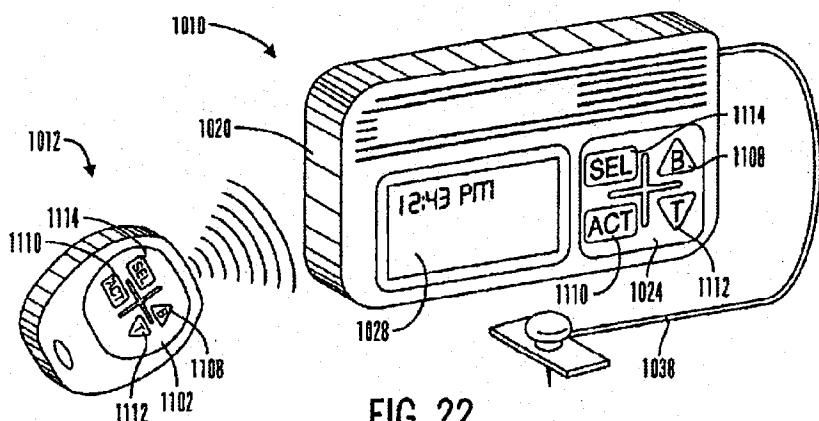
FIG. 22
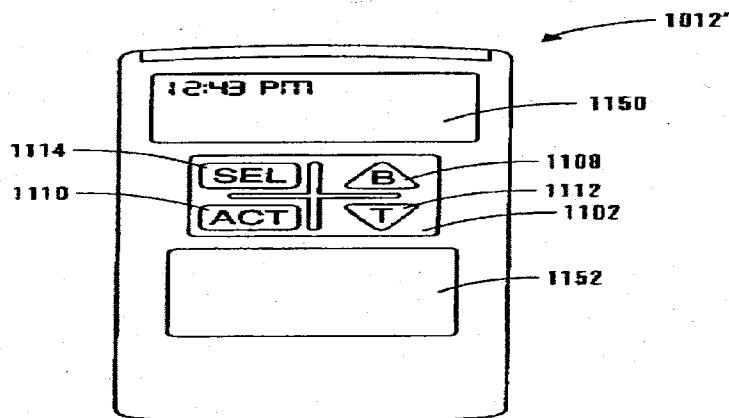
FIG. 24

Applicants respectfully submit that *Causey* does not disclose or even hint that either the RF programmer 1012 (Fig. 22) or the RF programmer 1012' (Fig. 24) above includes an icon responsive to the time-out output provided on the displays 1028 or 1150 respectively, or wherein a pop-up window is provided on the display 1028 or 1150 in response to a time-out output, as required by claims 16 and 17 respectively. As stated above, the device in *Causey* that includes any type of time-out output is the RF receiver, as referred to in column 11, line 65 to column 12, line 4, which states, in part, "the receiver will remain in an active mode until a complete sequence of commands has been received, or until the receiver times out due to a lack of RF communications from the RF programmer." Nowhwere does this passage describe that the RF receiver has an icon responsive to the time-out output, or a pop-up window provided in response to a time-out output. Further, Applicants respectfully submit that it would not have been obvious to modify the RF programmer 1012 or 1012' to include an icon or pop-up window responsive to

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the time-out of claim 1, without reasonably being construed as impermissible hindsight reconstruction.

For at least these reasons, Applicants respectfully submit that claims 16 and 17 are patentably distinguished over *Reuss* and *Causey* and in condition for allowance. Claims 30 to 32, 40 to 43, 57 and 58 include similar elements to claims 16 and 17. Accordingly, for at least the reasons given above with respect to claims 17 and 18, Applicants respectfully submit that claims 30 to 32, 40 to 43, 57 and 58 are also patentably distinguished over *Reuss* and *Causey*.

For the foregoing reasons, Applicants respectfully submit that the present application is in condition for allowance and earnestly solicit reconsideration of same.

Respectfully submitted,

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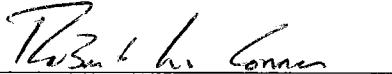
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